

Sec. 16-28A.007. General regulations.

The following general regulations shall apply to all signs located in the city:

- (a) *Portable Signs:* Portable signs shall be permitted only for promotion of a new business, movie premieres, special permitted events, and anniversary celebrations in districts C-1 through C-5, I-1, I-2, SPI-1 (Central core), SPI-2 (North Avenue), SPI-3 (Midtown), SPI-4 (art center), SPI-9 (Buckhead commercial core), and SPI-10 (Upper Midtown), and SPI-13 (Centennial Olympic Park Area) and only for a period of time not exceeding 30 days. At no other time and in no other place shall such signs be permitted, except as may be specifically authorized within public rights-of-way under section 16-28A.012.
- (b) *General Advertising Signs:* General advertising signs are permitted only in the I-1 and I-2 industrial districts and are subject to all of the following requirements:
 - (1) No general advertising sign shall be located within 300 feet of any residential district boundary line as measured in a straight line from said boundary line to the nearest edge of the sign.
 - (2) No general advertising sign shall be located within 500 feet of another general advertising sign as measured in a straight line from the nearest edge of the signs.
 - (3) No general advertising sign adjacent to an interstate highway shall be located within 1,000 feet of another general advertising sign adjacent to an interstate highway and on the same side of said interstate highway, as measured in a straight line from the nearest edges of the signs.
 - (4) No general advertising sign shall be located within 300 feet of the boundaries of any property which (i) is now on or may be subsequently named to the National Register of Historic Places or (ii) is now or may be subsequently designated as a landmark district, historic district, conservation district, landmark building or site, or historic building or site under chapter 20 of part 16, as measured in a straight line from said boundaries to the nearest edge of the sign.
 - (5) No general advertising sign shall be located within 300 feet of any governmental building owned by a local, state, or national government, or a public authority thereof, as measured in a straight line from said building to the nearest edge of the sign.
 - (6) No general advertising sign shall be located within 300 feet of any portion of a Metropolitan Atlanta Rapid Transit Authority station structure as measured in a straight line from said station to the nearest edge of the sign.
 - (7) No general advertising sign shall be located within 1,000 feet of the Freedom Parkway as measured in a straight line from said parkway to the nearest edges of the sign.
 - (8) No general advertising sign shall be located in a manner such that any part of said sign is visible from the Freedom Parkway.

- (9) No general advertising sign shall be located within 500 feet of the boundaries of a public park as measured in a straight line from said boundaries to the nearest edge of the sign.
 - (10) No general advertising sign shall be stacked on top of another general advertising sign.
 - (11) All distance requirements specified in this subsection 16-28A.007(b) shall apply regardless of the existence of intervening streets or lots.
- (c) *Campaign Signs:* Campaign signs shall not exceed 35 square feet in surface area and may be displayed on private property in connection with political campaigns or noncommercial civic health, safety or welfare campaigns. All such signs shall exhibit the date of the conclusion of the campaign and shall carry a notation stating that the sign is prohibited on public property and public right-of-way. All such signs shall be removed within 15 days of the date of conclusion of the campaign. Candidates are obligated and required to remove campaign signs placed on their behalf that are unlawfully located or that extend beyond the conclusion of the campaign and shall be liable to the city or its designee for the costs incurred in removing such unlawful signs. In no event shall such a sign remain in place for more than six months. Campaign signs are specifically prohibited in or upon any public right-of-way or other public property.
- (d) *Institutional Signs:* Institutional signs, not exceeding 35 square feet in sign area are permitted in residential districts only where such use shall have been approved by special permit or where such use is a legal nonconforming use in such residential district.
- (e) *Liability Insurance for Projecting and Suspended Signs:* All permits for projecting or suspended signs that are suspended or project above a public street or public sidewalk or other public vehicular or pedestrian thoroughfare shall be conditioned upon the obtaining and continuous maintenance of liability insurance by the owner for such sign in an amount not less than \$1,000,000.00 per occurrence per sign. Said insurance policy shall not contain a deductible in excess of \$1,000.00. The owner shall provide to the director a certificate of insurance that names the City of Atlanta as an additional named insured and that requires notice to the City of Atlanta at least 30 days prior to cancellation or termination. The owner of such sign shall provide proof of these insurance requirements in a form acceptable to the director prior to issuance of a permit. The owner of such sign shall maintain said liability insurance for the life of the sign, and any sign not so insured by the owner shall automatically be deemed illegal as of the date of said insurance lapse and be immediately removed by the owner. In addition, the director, prior to issuance of a permit for such sign, shall require that the owner of such sign execute a statement appearing on the face of the permit or affixed thereto, agreeing to indemnify the city and holding the city harmless from any and all claims of any kind relating to said sign, which indemnification shall not be limited to the terms of liability insurance required herein.
- (f) *Business Identification Signs:* The definition of "Business Identification Sign" contained in section 16-28A.004 is intended, among other things, to prohibit the

temporary use of premises solely for the purpose of securing advertising permission that would otherwise be disallowed. The director is authorized to refuse to issue or to revoke any permit for a business identification sign should it be determined after investigation that the entity using or proposing to use said sign is not a bona fide business actually operating within said space.

- (g) *Noncommercial Messages:* Any sign allowed herein may contain, in lieu of any other message or copy, any lawful noncommercial message that does not direct attention to a business operated for profit, or to a product, commodity or service for sale or lease, or to any other commercial interest or activity, so long as said sign complies with the size, height, area and other requirements of this chapter and of part 16 of the code of ordinances.
- (h) *Signs Not to Constitute Traffic Hazard:* No animated flashing or changing sign shall be located adjacent to an interstate highway or be visible from any portion of said highway unless the sign is otherwise permitted by state law and complies with the following:
 - (i) Any sign which is directly or indirectly illuminated, including electronically changed signs, shall be reviewed by the director of the bureau of traffic and transportation prior to the issuance of a permit for compliance with this subsection (h).
 - (ii) No sign shall be erected, and there shall be no lighting of signs or premises in such a manner and location so as to obstruct the view of, or be confused with any authorized traffic signal, notice or control device, or with lights on any emergency vehicle, or so to create hazards or distractions to drivers because of direct or reflected natural or artificial light, flashing, intermittent or flickering lighting or real or apparent movement.
 - (iii) No flashing or animated sign shall extend over a public right-of-way.
 - (iv) If any sign is found to constitute a traffic hazard, the owner of the sign may be required to reduce the intensity of the condition or effect which caused the hazard to a level acceptable to the bureau of traffic and transportation. The director may through the issuance of a stop work order cause an immediate cessation of such conditions or effects where an imminent danger to the traveling public is found.
- (i) *Sign Lighting:* Any sign erected subsequent to the effective date of this amendment shall, if externally lighted, be lighted from the top and the lighting shall be directed downward onto the sign. Lighting associated with a sign shall be directed at the sign face. All sources of light associated with a sign shall be effectively shielded from adjacent residential districts and streets. Lighting associated with a sign shall not exceed one and one-tenth (1.1) foot candles in intensity when measured within any portion of a residential district.
- (j) *Real Estate Signs:* Real estate signs shall be permitted in all zoning districts subject to the following requirements: One unlighted real estate sign advertising the sale, rental, or lease, and one unlighted sign indicating that a building or buildings are open for inspection, may be erected on the property advertised. In R-1 through R-G districts, no such sign shall exceed six square feet in surface

area or be placed closer than ten feet to the street paving or the edge of the graded street surface nearest the property depending on the manner of the street improvement, but in no event within the right-of-way of any public street or way. In R-LC and O-I districts, such signs shall not exceed 25 square feet in surface area; in remaining districts, 50 square feet. In R-LC through I-2 districts, one sign of the size specified above is allowed for each 400 feet of street frontage or portion thereof, for each separate street on which the property faces. Where buildings are set back along the front or side street to a depth greater than ten feet, such sign shall not be placed closer than ten feet to the property line; where buildings have setbacks less than ten feet such sign may be placed on the building wall or within the zone between the building wall and the street. No such sign shall be erected within ten feet of an interior side lot line. All such signs shall be removed within seven days after property has been sold, rented or leased. Such signs may also provide identification, but shall bear no advertising matter. All such signs shall conform with all of the provisions of the Georgia Real Estate Brokers and Salesmen Licensing Act of 1973, as amended.

- (k) *Misleading Real Estate Signs Prohibited:* The display on any property of any sign, poster, billboard or other advertising device bearing the name of any real estate firm, broker, associate broker, or salesperson shall create a rebuttable presumption that the person or other legal entity (if a corporation, the president or chief executive thereof) whose name so appears on said sign directly caused the sign to be placed. No sign advertising the property on which it is located for sale, rent or lease shall in any manner convey or create the impression that such property may be used for any purpose for which it is not zoned or that any building may be used for purposes not permitted by this part 16 or any other provision of the code of ordinances of the City of Atlanta.
- (l) *Incidental Signs:* Incidental signs may be located in any R-G, O-I, R-LC, commercial, industrial, special public interest or planned development district, subject to all other requirements of this chapter 28A and the code of ordinances, provided no such incidental sign shall exceed 35 square feet in area.
- (m) *Maximum Height of Business Identification Signs:* No portion of any business identification sign shall extend above the top of the building upon which it is located. When attached to buildings over 30 feet in height, no portion of a business identification sign shall be located more than 30 feet in height above ground level, provided that when the ground level is lower than the level of the adjoining street pavement, said sign may be raised so as to be not more than 20 feet above the level of the pavement.
- (n) *Protection of Trees:* No removal, destruction, topping, pruning or cutting of any trunk, branch, roots or other vital section of any tree shall be allowed, whether or not such tree may interfere with the visibility of or otherwise affect a sign, without a permit obtained from the city arborist. In deciding whether or not to issue such permit, the city arborist shall consider the following factors:
 - (1) Conformance with the City of Atlanta tree ordinance.
 - (2) Whether the tree(s) involved are historic or specimen trees.
 - (3) The degree to which the proposed cutting or pruning is likely to damage

the trees.

- (4) The impact of the proposed cutting or pruning on Atlanta's urban forest environment.
- (o) *Location of Freestanding Signs:* Freestanding signs shall be located ten or more feet from the nearest wall of a principal structure and shall not project over the roof of any structure. If a building existing on the date of adoption of this chapter is located in such a way that there is no place on its lot that is more than ten feet from a wall of the building, and if a freestanding sign would otherwise be permitted on such lot, then the director shall permit a freestanding sign to be located nearer than ten feet to the building provided that such sign is kept as far as practicable from the building, does not result in an unsafe condition, and otherwise complies with the requirements of this part.
- (p) *Building Signature Signs:* Building signature signs are allowed only in O-I, C-1, C-2, C-3, C-4, C-5, SPI-1, SPI-2, SPI-3, SPI-4, SPI-13, PD-MU, PD-OC, and PD-BP districts and shall be permitted subject to the following conditions:
 - (1) Only one sign shall be allowed on any side of the building and further provided that no building shall contain more than one such sign per side.
 - (2) Such signs may supersede the more restrictive height limit set forth in section 16-28A.007(m) including the 200 square foot area limitation imposed by the applicable zoning district.
 - (3) Such signs are allowed only on buildings four or more stories in height provided no part of such sign shall extend above the top of the building.
 - (4) Such signs' area shall not exceed five percent of the area of the wall to which it is affixed, and shall not be included in computing the total area of signage imposed by each zoning district for business identification signs.
 - (5) Said signs shall be allowed only for a principal occupant as defined in section 16-28A.004. Change in ownership or occupancy that result in non-compliance with these provisions shall require the removal of the subject sign.
 - (6) All sides of the building which display a building signature sign shall display the exact copy which is displayed on any other side which displays a building signature sign.
- (q) *Reserved.*
- (r) *Temporary Construction Signs:* Temporary construction signs shall be permitted as follows:
 - (1) In R-1 through R-5 and planned development-housing zoning districts. Unilluminated signs are permitted in single-family two-family and planned development-housing districts provided they are placed no earlier than the start of construction and removed within 30 days of issuance of a certificate of occupancy. Such signs shall be limited to one sign per dwelling not to exceed six square feet per contractor or subcontractor.
 - (2) *All other zoning districts:* In all other zoning districts, unilluminated signs

are permitted provided they are placed no earlier than the start of construction and removed whenever a certificate of occupancy issued. Such signs shall be limited to one sign per job site not to exceed 16 square feet per contractor and six square feet per subcontractor.

A temporary construction fence around an active construction site may be decorated with colors, graphics, symbols, writing, or other visual presentations, provided, however, that if a temporary construction fence uses these colors, graphics, symbols, writing or visual presentations for advertising, it may only advertise a business, profession, product, service, accommodation, activity or entertainment that will be conducted, sold or offered on the premises on which the temporary construction fence is located. A temporary construction fence is permitted only if it is placed no earlier than the start of construction and removed whenever a certificate of occupancy is issued.

- (s) *General Clearance Requirements:* No sign otherwise permitted in a particular district shall be allowed to project any closer than 18 inches from the inner curbline. All signs shall be so located and shall provide such vertical clearance as to provide for safe, convenient and unobstructed passage for pedestrians and vehicles. Above sidewalks or any other public pedestrian ways, vertical clearance to the lower portion of any canopy or marquee sign, projecting sign or wall sign, or freestanding sign shall be at least ten feet. Above parking areas and driveways other than for large trucks, such vertical clearance shall be a minimum of 14 feet. Above service and other driveways for large trucks, such vertical clearance shall be a minimum of 14 feet. Signs shall not be erected or maintained which obstruct any fire escape, any means of egress or ventilation, or prevent free passage from one part of a roof to any other part thereof; nor shall any sign be attached in any manner to a fire escape.
- (t) *Flags:* In addition to the flags authorized under section 16-28A.008(4), one flag bearing a commercial message and not exceeding 60 square feet in sign area may be flown on each lot within the following districts: R-LC; O-I; C-1 through C-5; I-1; I-2; SPI-1 through SPI-4; SPI-13; PD-MU; PD-OC; and PD-BP. Said flag shall not be counted in computing the number or total area of signs specified in the district regulations. Flags exceeding the size limits herein shall be permitted and counted as signs to the extent authorized under the applicable district regulations.
- (u) *Neon:* Neon lighting shall be allowed only in the following districts: C-1 through C-5; PD-MU; PD-OC; I-1; I-2; SPI-1 through SPI-4; Subarea 5 (Centennial Olympic Park Public Assembly Area) of SPI-13 (Centennial Olympic Park Special Public Interest District); Subareas 1 (Mill) and 5 (Transitional Commercial/Industrial) of LD-20A (Cabbagetown); Subareas 4 (Auburn Commercial Corridor) and 5 (Edgewood Commercial Corridor) of LD-20C (Martin Luther King, Jr. Landmark District); LD-20H (Hotel Row Landmark District); Subareas 2 (Transitional Commercial) and 3 (Transitional Industrial) of HD-20I (Adair Park); LD-20N (Castleberry Hill Landmark District).
- (v) *Additional Standards for Signs in Landmark and Historic Areas:* In determining the appropriateness or location of new signs proposed to be placed within the

boundaries of any landmark building and site, historic building and site or any property within a landmark district or historic district, the urban design commission shall apply the following criteria in addition to the applicable criteria for certificates of appropriateness specified in chapter 20 of this part 16:

- (1) The size, scale and design of the sign shall be compatible with the size, scale and design of the property, building or site upon which it is to be located.
 - (2) The sign's materials shall be compatible with the period and style of the property, building or site.
 - (3) The sign's location shall not obscure any significant architectural features of the building or site.
 - (4) The sign's installation shall not irreparably damage any cornice, ornament or similar architectural detail and shall be the least damaging method feasible for the property, building or site.
 - (5) The content of the message to be conveyed shall not be considered.
 - (6) Whenever in these regulations a certificate of appropriateness is required for a sign, the certificate shall be granted or denied within 30 days from the filing of the initial application. If the certificate is not granted or denied within that time period, the applicant may proceed as if the certificate had been granted. Provided, however, if the commission subsequently takes action on the certificate, the director is authorized to take the appropriate action necessary to cause the sign to come into compliance with that decision.
 - (7) Any appeal from any decision made on the issuance or denial of a certificate shall be granted or denied within 60 days of the initial filing of the appeal. If the appeal is not granted or denied within this time period, the applicant may proceed as if the appeal was decided in his favor. Provided, however, if action is subsequently taken on the appeal, the director is authorized to take the appropriate action necessary to cause the sign to come into compliance with that decision.
- (w) *Approved Historic Marker* is a sign created and erected for the commemoration of historical events, through a program directly administered by a non-profit organization chartered for the purpose of research and education in Georgia history. An approved historic marker may only commemorate events that occurred more than 50 years ago, or if devoted to a person, such person must have been deceased for at least 25 years. All approved historic markers shall be free standing, two-sided, cast aluminum markers of the same size, shape and height (including the support pole), as that marker previously used by the Parks, Recreation and Historic Sites Division of the Georgia Department of Natural Resources in the State of Georgia historical marker program. An approved historic marker shall have a total plate size of 38" x 42" and a black background with text in silver. The lettering of the approved historic marker text shall be no more and no less than one inch in height and the text shall be the same on each side. The seal of the sponsoring historic society shall be the only decoration allowed on an approved historic marker and shall be painted in the same color

as the text and shall not exceed an area of 96 square inches.

- (x) *Regulations for Changing Signs and Signs Employing Changing Sign Technology.*
- (1) Each message displayed on any changing sign display shall remain static for at least ten seconds following the completion of its transition from the previous message. As used in this subsection "static" shall mean a display that is fixed in one position with no portion of the display being in motion or changing in color or light intensity.
 - (2) When a message is changed mechanically, the transition between a complete static display of the previous message and a complete static display of the next message shall be accomplished in three seconds or less. The transition period shall be measured as that period between any movement of any part of the display of the previous message and the time that the display of the next message is fully static.
 - (3) When a message is changed electronically, the transition between a complete static display of the previous message and a complete static display of the next message shall be accomplished in two seconds or less. The transition period shall be measured as that period between the time that the previous message is static and fully illuminated and the next message is static and fully illuminated.
 - (4) No changing sign may include animated, flashing, full-motion video or other intermittent elements. The transition period between two fully illuminated static messages displays in an electronically changed sign shall not be considered an intermittent element so long as the purpose of the changing light intensity is to fade or dissolve into the next message.
 - (5) No changing sign may have any type of changing effect on the border of the sign that is not fully integrated with a static message display and which does not transition to the next static message display in the same manner as the rest of the display.
 - (6) No display or other effect from any electronically changed sign shall cause a glare or other condition that impairs the vision of the driver of any motor vehicle or which otherwise interferes with the safe operation of a motor vehicle. Such display or effect shall be considered an acute traffic hazard and shall be subject to the regulations contained in this chapter.
 - (7) An electronically changed sign which uses the scrolling of letters, numbers or symbols onto the sign face to form words or messages shall be allowed to appear on the sign face from only one direction for each static display. Messages transitions achieved by means of the scrolling of the letters, numbers or symbols shall be completed within two seconds and shall remain static for at least ten seconds following the completion of the transition from the previous message.
 - (8) All signs shall appropriately adjust display brightness as ambient light levels change so that the brightness of the display does not cause a glare or other condition that impairs the vision of the driver of any motor vehicle

or which otherwise interferes with the safe operation of a motor vehicle. The failure of an electronically changed sign to appropriately adjust display brightness as ambient light levels change shall be considered an acute traffic hazard and shall be subject to the regulations contained in this chapter.

- (9) No malfunction of a changing sign shall cause a glare or other condition that impairs the vision of the driver of any motor vehicle or which otherwise interferes with the safe operation of a motor vehicle. Any such condition resulting from a malfunction shall be considered an acute traffic hazard and shall be subject to the regulations contained in this chapter.
- (10) No general advertising sign employing changing sign technology which is permitted by state law to be located on or adjacent to the interstate highway system or a general advertising sign with a changing message sign face that is visible from an interstate highway shall be located within 5,000 feet of another general advertising sign employing changing sign technology that is permitted adjacent to an interstate highway and on the same side of said interstate highway or any other general advertising sign with a changing message sign face that is visible to traffic traveling in the same direction on said interstate highway. The distances shall be measured in a straight line from the nearest edges of the signs. Any application to employ changing sign technology on a general advertising sign which had been submitted to the director prior to the passage of this ordinance and which remains legally eligible for consideration after the passage of this ordinance shall not be subject to this distance requirement.
- (11) No general advertising sign employing changing sign technology which is adjacent to an arterial or connector street or with a message face that is visible from an arterial or connector street shall be located within 2,500 feet of another general advertising sign employing changing sign technology that is on the same side of arterial or connector street or with a sign face that is visible to traffic traveling in the same direction on said arterial or connector street, as measured in a straight line from the nearest edges of the signs. Any application to employ changing sign technology on a general advertising sign which had been submitted to the director prior to the passage of this ordinance and which remains legally eligible for consideration after the passage of this ordinance shall not be subject to this distance requirement.
- (12) A business identification sign which is not permitted to be a changing sign and employing any changing sign technology shall contain only static messages and shall not be allowed to change more than once every 24 hours. Any change of copy shall require a permit.
- (13) A freestanding sign which is not permitted to be a changing sign and employing any changing sign technology shall contain only static messages and shall not be allowed to change more than once every 24 hours. Any change of copy shall require a permit.
- (14) Any building which is allowed to have a building signature sign employing

any changing sign technology may not change the sign more frequently than once every 24 hours and all building signature signs on all sides of the building shall display an identical message which meets the definition of a building signature sign. Any change of copy shall require a permit.

- (15) Shopping center signs may employ changing sign technology in those districts where changing signs are allowed. The portion of the sign face which is capable of employing changing sign technology shall be limited to 50 percent or less of the total area of the sign face.
- (16) Permit applications for electronically changed signs must also include a certification from the owner or operator of the sign stating that the sign shall at all times be operated in accordance with this part and that the owner or operator shall provide proof of such conformance upon request of the director. Whether the sign is programmed from the site or from a remote location, the computer interface or other method that programs or controls the changing of the sign shall be available for inspection upon request of the director so that the director can determine the messages being displayed. If the information from the computer interface or other control method is not immediately available, the sign shall cease operation until such access can be provided.
- (17) Any general advertising sign which applies to employ changing sign technology shall be required to include as a part of its application, a statement which shall indicate whether the applicant is willing to allow law enforcement agencies to utilize its display capabilities to disseminate emergency messages.
- (18) Any changing sign currently in existence shall comply with the regulations of this part. If a changing sign currently in existence cannot meet these requirements due to the limitations of the technology being employed, the owner of the sign shall be allowed to continue the existing use upon a showing, satisfactory to the director, that the requirements of this part cannot be met.
- (19) Large Screen Video Display signs which are permitted in SPI-1 shall be regulated by the specific provisions applicable to that type of sign.
- (20) Due to the limitation on distances between certain electronic changing signs, an approved application to employ changing sign technology must be acted upon within the time frames stated on the sign permit. After expiration of the permit, a new application for the location shall be required and the expired permit shall be not be considered to bar location of other changing signs due to distance requirements under this part. The director may issue one extension of 60 days for good cause as shown in writing by the permit holder.

(Code 1977, § 16-28A.007; Ord. No. 1999-73, §§ 6--9, 10-12-99; Ord. No. 2000-35, § 2, 6-13-00; Ord. No. 2003-87, § 1, 8-21-03; Ord. No. 2003-97, § 3, 10-14-03; Ord. No. 2006-09, § 5, 3-14-06; Ord. No. 2006-80, § 1, 11-14-06; Ord. No. 2007-52(07-O-0602), § 5, 9-17-07)